

1 Daniel Rigmaiden
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 Telephone: none
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5 Daniel David Rigmaiden
 Pro Se, Defendant
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7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF ARIZONA**
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10 United States of America,

11 Plaintiff,

12 v.

13 Daniel David Rigmaiden, et al.,

14 Defendant.
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No. CR08-814-PHX-DGC

MOTION TO CONTINUE TRIAL AND
 PRETRIAL MOTIONS AND TO VACATE
 OCTOBER 28, 2013 STATUS
 CONFERENCE

(23rd Request)

16 Defendant, Daniel David Rigmaiden, appearing *pro se*, respectfully submits this
 17 unopposed *Motion To Continue Trial And Pretrial Motions And To Vacate October 28, 2013*
 18 *Status Conference*, 23rd request. Through this motion, the defendant requests that the Court
 19 continue the trial in this matter—presently set for November 12, 2013—for a period of
 20 ninety (90) days and extend the deadline for pretrial motions an equal amount of time. The
 21 defendant also requests that the status conference set for October 28, 2013 be vacated and
 22 that the defendant not be transported from CCA-CADC to Phoenix for court on that date.

23 By order at Dkt. #1010, a hearing was scheduled for May 17, 2013 so that the Court
 24 could set a firm trial date and other pretrial deadlines. Since that time, various motions to
 25 continue the status conference and one motion to continue the trial (Dkt. #1082) were filed
 26 and granted. The Court granted the extensions to allow the government and defendant
 27 additional time to prepare for advising the Court on setting further deadlines and a trial date.

28 The defense and government have been conferring since May and have made great

1 progress in resolving certain matters. For example, the parties are on the verge of resolving
2 the issue regarding the deletion of materials from devices seized during execution of the
3 Northern District of California search warrants. By resolving this issue, the defendant's
4 pending interlocutory appeal, of which the Ninth Circuit is currently considering whether to
5 address, will be moot. Resolution of the data deletion issue will also result in an agreement
6 between the parties regarding the evidentiary nature of the remaining seized data. This
7 agreement will eliminate some evidentiary challenges should evidence be admissible at trial
8 or another proceeding. A system has also been designed allowing for the parties to easily
9 authenticate copies of the remaining digital evidence should any of it be used in a
10 proceeding.

11 Nevertheless, additional time is needed to finalize resolutions. As the Court is aware,
12 the case is extremely complex and the defendant is in pretrial detention which makes it
13 difficult for him to exchange information in a timely manner. There was also an unexpected
14 delay from late August to late September due to counsel for the government needing to
15 devote full attention to some other cases. Mr. Seplow and his assistant—who is also the
16 defendant's paralegal and communications hub—have been very busy over the last two
17 months as well. Because many of Mr. Seplow's deadlines were closing in all at once, the
18 defendant was not able to get as much help from Mr. Seplow's assistant. However, the
19 defense and government remained diligent and recently returned to a more active stance in
20 working to resolve pending issues.

21 The defendant also needs additional time to continue preparing his trial defense. For
22 example, additional witnesses need to be interviewed.

23 Unless the Court has specific questions that need to be answered, the defendant has no
24 additional information and does not see a need for a status conference at this time. If the
25 Court agrees, the defendant respectfully requests: (1) the October 28, 2013 status conference
26 be vacated, and (2) the case be continued in the manner requested above. This motion is
27 unopposed by counsel for the government.

28 * * * * *

1 Based on the points and authorities set forth herein, the defendant respectfully
2 requests that this motion be granted and that the proposed order be issued.

3 This motion and all attachments were drafted and prepared by the *pro se* defendant,
4 however, he authorizes his shadow counsel, Philip Seplow, to file this motion and all
5 attachments on his behalf using the ECF system.

6 LRCrim 12.2(a) requires that the undersigned include the following statement in all
7 motions: "Excludable delay under 18 U.S.C. § 3161(h)(1)(D) will occur as a result of this
8 motion or of an order based thereon."

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Respectfully Submitted:

PHILIP SELOW, Shadow Counsel, on
behalf of DANIEL DAVID RIGMAIDEN,
Pro Se Defendant:

s/ Philip Seplow

Philip Seplow

Shadow Counsel for Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on: I caused the attached document to be
electronically transmitted to the Clerk's Office using the ECF system for filing and
transmittal of a Notice of Electronic Filing to the following ECF registrants:

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By: s/ Daniel Colmerauer

(Authorized agent of Philip A. Seplow, Shadow Counsel for Defendant; See ECF Proc. I(D) and II(D)(3))